

REMARKS/ARGUMENTS

Applicants have reviewed and considered the Final Office Action mailed on March 22, 2007, and the references cited therewith. Claims 2, 8 and 14 have been amended. Claims 1-15 are currently pending in the application. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3, 4, and 10-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2,307,180 A ("Hunt"). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hunt in view of U.S. Patent No. 5,944,703 ("Dixon"). Claims 5-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hunt in view of U.S. Patent No. 4,051,431 ("Wurster").

Applicants appreciate the Examiner's comments clarifying the application of Hunt to claim 1. Nonetheless, Applicants traverse the rejection of claim 1 for substantially the same reasons as presented in response to the prior Office Action. In particular, claim 1 is allowable because Hunt fails to teach or suggest "a shut-off valve which closes an outlet from the canister when it is full."

In the Advisory Action, it is alleged that a spigot is "by definition a type of valve . . . that functions as a shut-off valve," but this is simply not how a person of skill in the art would understand the teachings of Hunt. Hunt is a Great Britain application, and accordingly, the definition of a term from the specification should be considered relative to its applicable usage in that country. In Great Britain the term "spigot" refers to a pipe end that can be used to form a junction with another pipe. (Heaton Aff. ¶ 6 (attached as Ex. A)). This usage of the term is reflected in an entry from the Hutchinson Encyclopedia. (Ex. B.¹) The term "spigot" is not used in Great Britain to refer to a valve, as the Office Action alleges. (Heaton Aff. ¶ 6).

¹ The Hutchinson Encyclopedia is a common reference in the United Kingdom, and is available on the Word Wide Web at <http://www.tiscali.co.uk/reference/dictionaries/difficultwords/>. Heaton Aff. ¶ 7.

Hunt does not teach or suggest that spigot 7A or 7B is a shut-off valve, much less that it controls the release of a liquid or gas. In fact, the teachings of Hunt do nothing to indicate that the spigots are anything more than a connector fitting or outlet, which is a common usage of the word in Great Britain. (Heaton Aff. ¶ 6; Ex. B). Indeed, Hunt clearly states that “the spigots 7A and 7B are in sealing engagement or abutment with tubular protrusions 33 and 34” when the latch is engaged. Hunt, *supra*, at 5. Thus, the spigots 7A and 7B are used merely to fluidly join the canister to the tubes 10 and 103. (Heaton Aff. ¶ 8.)

The Office Action further fails to demonstrate that the spigot 7A or 7B closes when the canister is full, as claimed in claim 1. As the Office Action acknowledges, the transducer 105 shuts off the working of the pump when the liquid level in the canister occludes the filter. Shutting off the pump clearly is not equivalent to closing an outlet from the canister. The Office Action contends that this claim limitation constitutes functional language that is given little patentable weight, but functional language that defines structural attributes is entitled to as much weight as any other limitation. See, e.g., *ACCO Brands, Inc. v. Micro Sec. Devices, Inc.*, 346 F.3d 1075, 1078 (Fed. Cir. 2003) (finding functional language is an additional limitation on the claim); *In re Venezia*, 530 F.2d 956 (C.C.P.A. 1976) (functional limitations served to precisely define the structural attributes of interrelated components); *In re Barr*, 444 F.2d 588 (C.C.P.A. 1971) (functional limitation acceptable because it set definite boundaries). Here, this functional language properly distinguishes the structural attributes of the “shut-off valve” from structural components such as a “spigot”, which as taught by Hunt, is incapable of closing an outlet.

Accordingly, the rejection of claim 1 under § 103 is improper, and Applicants respectfully request that the Examiner withdraw the rejection of claim 1 and its dependents.

The Applicants also appreciate the Examiner's comments clarifying the application of Hunt and Dixon to claim 2. Applicants have amended claim 2 to clarify that the flow limiting valve of claim 2 is not merely a check valve that prevents fluid from

flowing back into the canister. Rather, the flow limiting valve of claim 2 prevents the flow in the tube from exceeding an established rate, which may be adjusted to provide different desired levels of flow in the system. Thus, notwithstanding the patentability of claim 1, claim 2 as amended is allowable because neither Hunt nor Dixon teaches or suggests "a flow limiting valve disposed between the canister and the suction source that prevents flow in the tube from exceeding an established rate." Accordingly, Applicants respectfully request that the Examiner allow claim 2.

Claim 8 is allowable as amended for the same or analogous reasons as set forth above for claim 1.

Finally, Applicants respectfully disagree with the Office Action's application of Hunt to claim 14. The Office Action rejects claim 14 relying in part upon the use of transducers and a pressure relief valve in Hunt to provide a pressure regulating "means," but this allegation ignores the fact that claim 14 does not claim all pressure regulating "means." Claim 14 recites a "pressure regulator" -- a specific device that controls the flow of fluid between the canister and the suction point. In contrast, Hunt teaches only that the pressure regulating "means" identified by the Office Action controls the operation of the portable pump, not a wall suction point. Thus, Hunt does not show the invention claimed in claim 14 in as complete detail as is contained in the claim, and the rejection of claim 14 based on Hunt is improper. Nonetheless, Applicants have amended claim 14 to correct formal defects and to clarify the relationship between the regulator and the wall suction point. Accordingly, Applicants request that the Examiner allow claim 14 and its dependents.

CONCLUSION

If a Petition for Extension of Time under 37 C.F.R. 1.136(a) is required, the petition is herewith made. The Commissioner is authorized to charge any fees that may be required, or credit any overpayment made with this Office Action, to Deposit Account Number 50-0326.

In light of all the foregoing, believing that all things raised in the Office Action have been addressed, Applicant respectfully requests reconsideration of the prior rejections and objections, as well as allowance of the claims and passage of the application to issue. If the Examiner would care to discuss any remaining matters by phone, Applicant invites the Examiner to contact the undersigned at 214.758.6641.

Respectfully submitted,



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